

State of South Dakota

NINETY-FOURTH SESSION LEGISLATIVE ASSEMBLY, 2019

432B0084

HOUSE BILL NO. _____

Introduced by: _____

1 FOR AN ACT ENTITLED, An Act to revise the allowable balance of special education funds
2 held by school districts.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 13-37-44 be amended to read:

5 13-37-44. A school district's state aid for special education as calculated pursuant to § 13-
6 37-36.1 shall be reduced by the amount which its ending special education fund balance exceeds
7 ~~twenty-five~~ the maximum allowable percent of its special education expenditures for the prior
8 fiscal year or one hundred thousand dollars, whichever is greater, ~~if the school district did not~~
9 ~~receive money set aside in § 13-37-40 during the prior fiscal year; or the amount which its~~
10 ~~ending special education fund balance exceeds ten percent of its special education expenditures~~
11 ~~for the prior fiscal year if the school district received money set aside in §§ 13-37-38 to 13-37-~~
12 ~~40, inclusive, during the prior fiscal year.~~

13 The maximum allowable percent is as follows:

14 (1) Forty percent for a school district with a child count as defined in subdivision 13-37-
15 35.1(13) of fifty students or fewer that did not receive money set aside in § 13-37-40
16 in the prior fiscal year;



- 1 (2) Thirty percent for a school district with a child count of more than fifty students, but
2 fewer than three hundred students, that did not receive money set aside in § 13-37-40
3 in the prior fiscal year;
- 4 (3) Twenty-five percent for a school district with a child count of three hundred or more
5 that did not receive money set aside in § 13-37-40 in the prior fiscal year; and
- 6 (4) Ten percent for a school district that received money set aside in § 13-37-40 in the
7 prior fiscal year.